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Attorney Docket No. 18217-505

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Lee et al.  
SERIAL NUMBER: 10/027,186 EXAMINER: Not yet assigned  
FILING DATE: December 20, 2001 ART UNIT: Not yet assigned  
FOR: METHODS FOR MODULATING TUMOR GROWTH AND METASTASIS

ATTN: LICENSING AND REVIEW  
The Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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TRANSMITTAL

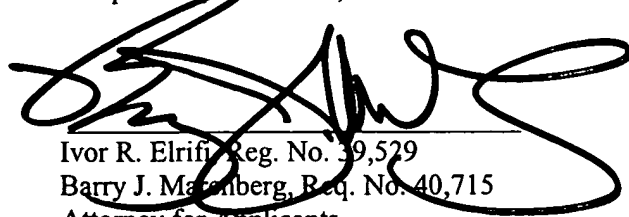
Transmitted herewith for filing in response to Form PTOL-456, mailed September 26, 2002, in the present patent application:

- Copy of the September 26, 2002, Formal Requirement for Statement Under § 152 of the Atomic Energy Act (1 pg.);
- Executed Combined Declaration (2 counterparts, a first counter part is 3 pgs. and the second counter part is 5, 8pgs. total); and
- Return postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application branch is respectfully requested to contact the undersigned at the telephone number provided below.

No charges are believed due with this filing. However, please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 18217-505. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,



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Dated: November 12, 2002



30623

PATENT TRADEMARK OFFICE


**UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/027,186	12/20/01	LEE, ET AL.	18217-505

DANN DORFMAN HERRELL & SKILLMAN  
SUITE 720  
1601 MARKET STREET  
PHILADELPHIA, PA 19103-2307

EXAMINER	
ART UNIT	PAPER NUMBER
	5

DATE MAILED: 26 Sep 2002

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A  
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (202) 305-3401.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE  
ATTENTION OF LICENSING AND REVIEW**